

ITEM:

SUBJECT: Linda County Water District, Yuba and Sutter Counties

BOARD ACTION: *Consideration of NPDES Permit Renewal and Time Schedule Order.*

BACKGROUND: Linda County Water District (Discharger) owns and operates a wastewater treatment plant (WWTP) that provides sewerage service for the community of Linda and portions of unincorporated Yuba County south of Marysville. The District serves a population of approximately 12,000. The existing treatment system consists of headworks, primary clarification, a trickling filter, secondary clarification, disinfection and dechlorination, and sludge digesters.

Order No. 5-00-165 currently regulates the WWTP for discharge of 1.8 million gallons per day (mgd) of disinfected secondary effluent to land using percolation/evaporation ponds located within the Feather River floodplain. To accommodate rapid growth in the community, the Discharger proposes to increase the WWTP's capacity to 5.0 mgd and provide tertiary treatment and year-round nitrification and denitrification prior to discharge to the Feather River. As requested by the Discharger, the proposed Order allows a mixing zone for human health-based constituents, but does not grant a mixing zone for aquatic life-based constituents.

The proposed Order contains a significant number of new effluent limitations. A compliance schedule is included in the Order to provide time for the Discharger to (1) upgrade the WWTP, (2) close ponds located within the Feather River floodplain and (3) meet new final effluent limitations for bis(2-ethylhexyl)phthalate, chromium (VI), copper, cyanide, dibenzo(a,h)anthracene, dichlorobromomethane, lead, tetrachloroethene, and zinc. The proposed Order also contains interim limitations for these constituents.

The proposed Time Schedule Order allows time for the Discharger to construct the new WWTP to achieve compliance with new aluminum, ammonia, diazinon, iron, manganese, methoxychlor, and organochlorine pesticides limitations.

ISSUES:

Compliance Schedules: California Sportfishing Protection Alliance (CSPA) objects to the inclusion of a compliance schedule in the proposed Order, which is not allowed for new or recommencing dischargers. At issue is whether the Discharger is an existing, new, or recommencing discharger. The Discharger's direct outfall to the Feather River has not been used for many years, but its disposal ponds have discharged effluent to the Feather River during flood events, as permitted by the existing Order.

Antidegradation: CSPA states the proposed Order lacks a defensible antidegradation analysis for the increased volume of effluent discharged to the Feather River. At issue is whether a publicly owned treatment works (POTW), with waste discharge requirements that set effluent limitations to protect beneficial uses and provisions for best practicable treatment or control (BPTC), satisfies the antidegradation requirement. The increase in treatment required by the proposed Order and provisions for BPTC are proposed to offset impacts from the increased flow. The proposed effluent limitations are established to protect beneficial uses. Limited degradation that does not cause exceedance of water quality objectives is warranted to allow for the economic benefit stemming from local growth.

Electrical Conductivity (EC) Limitation: CSPA objects to the proposed Order's granting of the remaining assimilative capacity for EC in the Feather River to the Discharger without a consideration of future permitted growth from all upstream dischargers. The proposed Order contains a reopener provision that allows, upon the Regional Water Board's redistribution of EC allocation for discharges to the Feather River, the Order to be reopened and the EC limitation revised.

Mass Limitations: CSPA states that all constituents that can be monitored in terms of mass should contain a mass limitation based on the critical flow. Federal regulations, 40 CFR Section 122.45(b), requires that permit limitations, standards, or prohibitions for POTWs be based on design flow. The design constituent loading rate is typically based on average dry weather flow rates. The effluent mass limitations are calculated based on the average dry weather design flow, but compliance is based on actual flow during certain conditions. The proposed Order does not contain mass limitations for some constituents which are expressed in terms of concentration, as allowed by 40 CFR Section 122.45(f), and are not bioaccumulative in nature.

Acute Toxicity: CSPA objects to the allowance of 30% mortality in an acute toxicity test. The 30% mortality allowance in the acute toxicity test takes into account the possibility of mortality that occurs by chance. The acute toxicity limits in the proposed Order are consistent with other NPDES permits.

Chronic Toxicity: CSPA objects to the lack of a prohibition against chronic toxicity. The toxicity control provisions in the State Implementation Plan (SIP) are under revision. While the proposed Order does not contain a specific limitation for chronic toxicity, it prohibits the discharge from causing toxicity in the Feather River. The proposed Order includes Provision VI.C.2.d., which contains explicit protocols for accelerated monitoring and toxicity reduction evaluations if a pattern of effluent toxicity is observed. This provision requires the Discharger to investigate the causes of, and identify corrective actions to reduce or eliminate effluent toxicity. The chronic toxicity limits in the proposed Order are consistent with other NPDES permits.

Monitoring: CSPA objects to the monitoring frequency contained in the Monitoring and Reporting Program as too infrequent to adequately measure compliance with the proposed Order. The monitoring frequency in the proposed Order is similar to other Orders and attempts to balance the need for capturing effluent data with the costs to the Discharger.

Stringency: CSPA states that the Feather River should be allocated Tier III protection under the Clean Water Act due to the Feather River being a critical fishery. The Clean Water Act only requires Tier III protection if the waterbody is designated as an Outstanding National Resource Water, and the Feather River has not received this designation.

Mercury Limitation: The Linda County Water District requests that compliance with the mercury limitation be monitored and reported on a calendar year annual basis instead of an average monthly basis. The proposed Order contains a total mercury mass limitation based on a monthly average. To maintain consistency with other NPDES permits adopted by the Regional Water Board, the mercury mass limitation in the proposed Order and the corresponding proposed compliance determination will remain unchanged.

Mgmt. Review _____
Legal Review _____

21-22 September 2006 Regional Water Board Meeting
Sacramento

11020 Sun Center Dr. #200
Rancho Cordova, CA 95670